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**DECISION MEMO**  
***Lamb Ranch Access***  
**USDA Forest Service, Northern Region**  
**Nez Perce – Clearwater National Forests**  
**Salmon River Ranger District**  
**Idaho County, Idaho**

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**I. Decision**

I have decided to authorize the applicant's request for a 20 year special use authorization for two National Forest System (hereinafter referred to as "NFS") roads in order to facilitate access to its property.

The legal coordinates for this permit are as follows: T29N, R4E, Section 33 (Boise Meridian).

**Background**

Lamb Ranch is a private inholding owned by the Idaho Forest Group. It is accessed primarily by NFS Road 279L off of NFS Road 279 in Dry Gulch. NFS Road 279L traverses approximately ½ mile of NFS lands prior to entering the ranch. NFS Road 279L crosses a headwater of Dry Gulch at approximately 250 feet from NFS Road 279.

The Forest Service previously removed the culvert at this crossing. A stream traverses over this road into a shallow trench. NFS Road 279L has grades of up to 15 percent, is approximately 14 feet in width, has a native surface, and is lightly brushed in. It is gated at its junction with NFS Road 279. The access prescription is for non-motorized traffic.

Additionally, Lamb Ranch is accessed by a non-inventoried road located at the northwest corner of the property. This non-inventoried road originates from NFS Road 279 and traverses approximately 250 feet of National Forest Service lands prior to entering the ranch. This 14 foot wide road is primarily level graded, has a native surface, crosses no water courses, and is moderately brushed in with vegetation.

**Implementation and Design Specifications**

NFS Road 279L (lower access) will have a metal culvert installed in order to rehabilitate the stream crossing. The culvert will be sized for the Q100 flow (36" diameter) and be installed at approximately the original stream gradient in this reach (10 percent). Coarse aggregate surfacing from the junction of NFS Road 279 to approximately 100 feet beyond the stream crossing will be applied. Remaining treatments along NFS Road 279 will be minor and will consist of light brushing, down log removal, installation of surface drainage (drivable dips and waterbars) and perhaps one culvert cross drain to relieve a low spot. The existing gate will be retained to control road access.

The non-inventoried roadway (upper access) will be rehabilitated at its junction with NFS Road 279 by using approximately 30 cubic yards of borrow to level it. Minor

brushing and grading will also be performed on the roadway. Road access will be controlled by installing a gate.

The Idaho Forest Group will be required to continue long term maintenance of both roads for the duration of the 20 year permit.

**Project Implementation:** Maintenance activities will begin during the 2014 field season, and continue throughout the duration of the permit as needed.

## **Rationale for Decision and Reasons for Categorically Excluding the Decision**

### **A. Category of Exclusion and Rationale for Using the Category**

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(3): *Approval of minor special uses*.

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, including the Forest Plan, 5) the on-the-ground review and discussion with resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

### **B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances**

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:**

The Interdisciplinary Team (ID Team) Botanist, Wildlife and Fisheries Biologists determined the proposed action will have no direct or indirect effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur, but the project will not affect the habitat for the species; therefore, no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record).

#### **2. Floodplains, wetlands or municipal watersheds:**

Floodplains: *The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

Wetlands: *The Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.*

*Municipal Watersheds: The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.*

*The project will not affect stream temperatures; no trees/canopy will be removed. Soil disturbance will be limited to the construction area, which is already heavily disturbed; erosion control BMPs will be in place during construction; water will be diverted around the construction zone during construction; and the channel will be slowly re-watered to reduce turbidity downstream. Replacement of the CMPs with a larger sized (minimum passage of 100-yr flood) pipe will be a net benefit to aquatic resources and stream channel processes by allowing freer passage of flow.*

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:**

The project area is not located within any Congressionally designated area.

**4. Inventoried Roadless areas or potential wilderness areas:**

The project is not located within any Nez Perce Forest Plan Roadless Areas, Idaho Roadless Areas (36 CFR 294 (c)) or potential wilderness areas; therefore, no direct or indirect effects or incremental effects that will cause a cumulatively significant effect to these areas are anticipated.

**5. Research Natural Areas:**

The project area does not include land designated as a Research Natural Area, and therefore, no direct or indirect effects or incremental effects that will cause a cumulatively significant effect to these areas are anticipated.

**6. American Indians and Alaska native religious or cultural sites and**

**7. Archaeological sites or historical properties or areas:**

*Based on the project description, a "No Inventory Decision" has been made for this project. A cultural resource records search has been conducted for this project and no cultural resource sites have been identified within the project's area of potential effects.*

*Pursuant to Stipulation V(A) of the North Idaho Programmatic Agreement, because of previous adequate inventory or the type, location or nature of the undertaking, the Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties. As a result, a "No Inventory Decision" has been made and the project may proceed.*

**8. Soils:** *The project crosses four soil map units: 22A31 - Andic Dystrochrepts, low relief rolling uplands, 22AHR -Andeptic Cryoboralfs, low relief rolling uplands, 31D38 - Typic Dystrochrepts-Andic Dystrochrepts complex, steep mountain slopes, and 61E38 - Typic Dystrochrepts, dissected stream breaklands.*

*The majority of the road locations are on map units with low to moderate hazard ratings for surface erosion, subsurface erosion, and mass wasting. The steepest pitch of the lower road occurs on map unit 61E38 which has high subsurface and mass wasting erosion hazards. Road construction should meet Forest Service specifications. There*

*were no field visits to the project location for this assessment. The assessment is based on the soil mapping and hazards from the Nez Perce National Forest Soil Survey.*

## **II. Interested and Affected Agencies, Organizations, and Persons Contacted**

On May 1, 2014, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribal councils. These letters and responses thereto are contained in the project record.

## **III. Findings Required by Other Laws**

Based on my review of the actions associated with this project, I find that the Lamb Ranch Access special use permit request is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Nez Perce National Forest Plan:** This action is consistent with the 1987 Nez Perce National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 (see project record for further information) because it follows the standards and guidelines contained in those plans. In addition, the decision considers the best available science (36 CFR 219.35(a); Reinstatement of the 2000 Planning Rule; 74 FR 242).

**Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated, and no soil disturbance will occur.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the subject project is consistent with the Endangered Species Act because no effects to threatened and endangered species are anticipated.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and Federal water quality laws because this proposal will have no significant effects to the water quality of area or downstream waters.

**National Historic Preservation Act:** Because of the type of project and its location, the Forest Cultural Resource Specialist has determined that this project has no potential to cause effects on historic properties, assuming such properties were present; therefore, the Forest Service has no further legal obligation concerning National Historic Preservation Act compliance. (A copy of this analysis is located in the project record.)

## Photographs of Site

### Lamb Ranch Access



279L Looking ahead

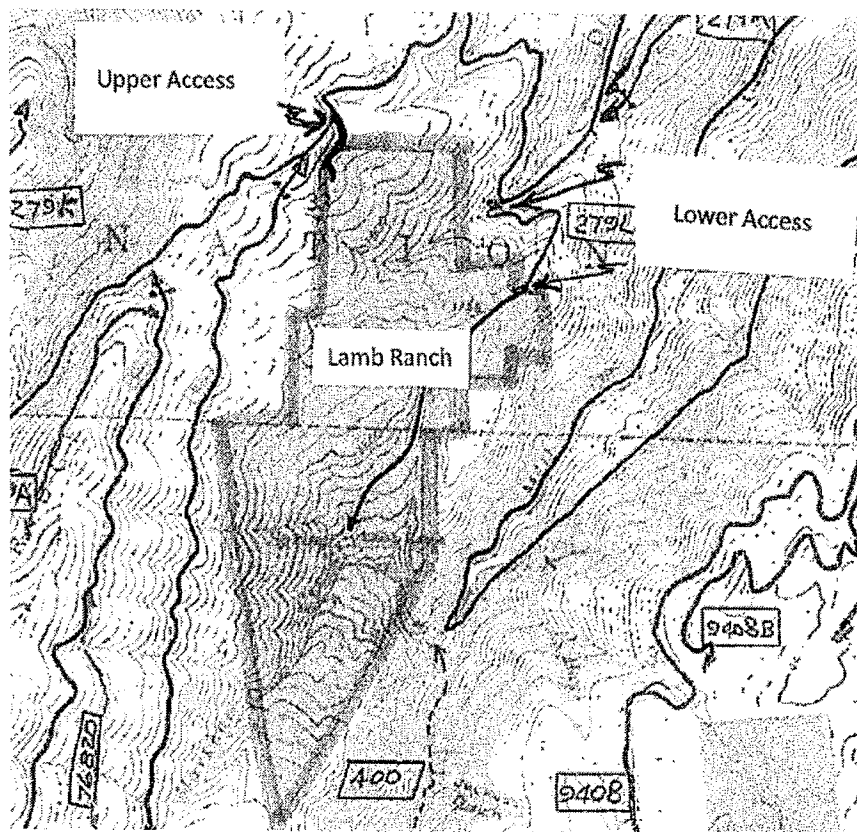
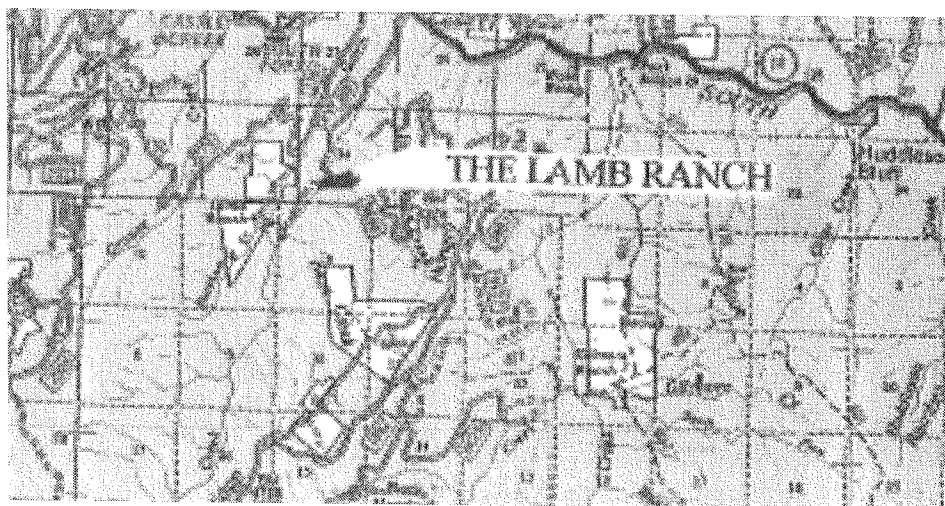


279L Looking back



Uphill Crossing that was removed

## Maps of Lamb Ranch Access Site



Additionally, this project meets the Agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**Migratory Bird Treaty Act:** No substantial losses of migratory bird habitat are expected from the implementation of this proposal nor any measurable impact on neotropical migratory bird populations as a whole; therefore, the proposed action will comply with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**American Indian Treaty Rights:** The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the subject special use permit modification, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**Environmental Justice:** The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

**Energy Requirements:** No unusual energy demands are required to implement the proposed action.

**Other Laws or Requirements:** The proposed action is consistent with all other Federal, state and local laws or requirements for the protection of the environment and cultural resources.

#### **IV. Administrative Review and Appeal Opportunities, and Implementation Date**

Pursuant to 36 CFR 214.4(c), this decision is subject to appeal by the holder, operator or applicant directly affected by the decision.

#### **V. Contact Person**

Questions regarding this decision should be sent to Linda S. Helm, c/o Nez Perce – Clearwater National Forest Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536;

Lamb Ranch Access Special Use Permit

by telephone at (208) 935-4285; or facsimile transmittal at (208) 983-4275 during business hours (M-F, excluding Federal Holidays, 7:30 a.m. to 4:30 p.m. PST).

**VI. Signature of Deciding Officer**

*Rick Brazell*

RICK BRAZELL  
Forest Supervisor  
Nez Perce – Clearwater National Forests

*6/12/14*  
Date

Enclosures: Maps and Photographs of Site

cc: Molly Puchlerz